

1884-025 Chancery Causes: Boston Robinson & wife vs. Sarah & Mark &c  
Lee Co.

Thompson, Muncy, Edds, Morgan

CA-Contract Dispute  
T-Property

-Correspondence

To the Honorable John A. Kelly Judge  
of the Circuit Court of Lee County:

The Bill of Complaint of Boston  
Robinson and Letitia Robinson  
his wife, the Said Letitia Robinson  
who also Sues by the Said Boston Rob-  
inson and by Sylvester E. Thompson  
as her next friends she being under  
twenty one years of age, respectfully  
represents that the Said Letitia Rob-  
inson late Letitia Mark and her Sister  
Sarah Mark <sup>or were</sup> the joint and equal  
owners of a tract of One hundred



to the Defendant Francis M. Muncy  
at the price of Three Hundred Dollars,  
and he is willing to pay this price  
for it <sup>in</sup> Case he can get a good title  
but by virtue of Said Contract he  
is the owner of the Said Boston  
Robinson's life estate in one undiv-  
ided half of Said land hence <sup>he</sup> ~~he~~ is  
a party to this suit. Your Orators  
will further state that no one else  
in their opinion would give the same  
price for Said land but the Said  
Muncy appreciates it because it joins

his other lands, and is therefore consid-  
ered by him as worth that much to  
him.

Now the object of this bill is to  
have a partition of Said tract  
of land if the Court thinks a par-  
tition best for the parties and if  
the Court thinks best to have a con-  
firmation of the Sale to Muncy and  
the allotment of the land to him  
or any other Sale and allotment that  
the Court may think best.

And your Orators being without an



Boston Robinson  
& wife

vs.

Bill in Chy.

Sarah Mark &  
Francis A. Muncy

Cy 5.16 Jan'y 1881  
A 16.00  
A L 5.00 Pl by Muncy  
25.16  
Court 3.00  
328.16  
Escrow 5.00 B on lythm  
33.16  
Hyal

My Attorneys fees  
of \$15.00 was paid  
by F. A. Muncy  
David Miller.

Boston Robinson & wife  
vs. Bill in Chy.

Sarah Mark et al

1877. Mr. Bill filed, & a  
not. served, G. A. L.  
affid for Sarah Mark  
& her ass. filed &  
set for hearing by  
C. Jeffs.

1878. Mr. Decree & Cont.

1880 Aug. Decree & Cont.

1881 Aug. Cont'd.

1882, Mr. 7 Aug. Cont'd.

" Nov. Decree & Cont'd.

1883. Mr. Aug. P. Nov. Cont'd.

1884. Aug. Decree final



To the Honorable John A. Kelly Judge  
of the Circuit Court of Lee County:

The Separate Answer of Francis A.  
Muney to the Bill filed in the Circuit  
Court of Lee County against Sarah McK  
And himself and for answer to said  
Bill he will here state that he admits  
all the facts stated in the Bill to be true,  
and he further admits that he has  
Contracted for said land at the  
price of \$300. and he is willing  
to take the land and have it allotted  
to him at this price. The land joins  
his and for this reason it suits him  
and if it did not join him as it  
does he would not be willing to  
give that price for it. And having  
answered he prays to be dismissed  
with his Costs



Boston Robinson  
& wife

vs. } answer of  
Muney.

Sarah Mark &  
H. A. Muney



To the honorable John A. Kelly,  
Judge of the Circuit Court of Du-  
County:

The answer of Wm A Orr  
guardian ad litem of Sarah  
Mark to a bill in Chancery filed  
in this Court against this respon-  
dent and Francis A. Munnay.

Reserving all proper exceptions to  
said bill, respondent states that his  
ward is a citizen of the State  
of Kentucky and is not here  
to inform him of either the truth  
or falsity of the allegations of  
Complainant's bill of Complaint.  
But your Respondent is some-  
what acquainted with the land  
in the Bill named and it is very  
poor and steep and an  
half of it would probably  
rent for \$10 a year. But  
the Court being the peculiar guardian  
of the rights and interests of  
infants your Respondent begs  
leave to place the rights of this  
case in your honor's hands

Wm A Orr

Guardian ad litem



Boston Robinson  
wife  
vs} Ans of A. A. L.  
Sarah Martineau  
Filed at Mr. Pades 1879.  
Jas H Orr. clk.

Received to March 3rd 1879.  
J. H. Orr Jr. A.C.



Boston Robinson & wife    Peffs.  
vs  
Sarah Mark & ul    Defts. } In Lohy

It appearing from a report of Court District Miller  
filed in the cause March the 21st 1884. that the object  
of this suit had been fully attained. It is therefore ordered  
that the bill be dismissed & the cause stricken from the docket.



Boston Robinson & Co

no. { Dam final

Sarah Mack & Co

Entered page 388

J. A. Hyatt & Co

Enter this

J. A. R.

Aug 26/84



Boston Robinson vs Peff

vs.

Sarah Mark & others Defts

} In Reply

This cause came on again to be further heard on the papers formerly read in the cause, and the report of Comr. Miller filed in the cause the 28<sup>th</sup> day of Nov. 1882 showing that the money due the Peffs had been paid by the debt Murrey to Comr. Miller and by him transmitted to the plaintiffs, and that the latter had made and delivered to said Murrey a deed conveying to him an undivided half of the land in the bill mentioned: and was argued by counsel, and said report being recommended to. It is therefore adjudged ordered and decreed that said report be confirmed. And the cause continued until the money due the debt Sarah Mark shall be paid by debt Murrey.



Boston Robinson wife

no. { Decree

Sarah Mark Cotton

Entered pages

287-8.

J. A. Hyatt  
Clerk

Enter this decree

Decr. 2, 1882

J. A. K.

Chd 124



Boston Robinson & wife  
against

Sarah Mark & others

Plffs.

Defts.

In Chy

This Cause came on this day to be heard upon the papers formerly read and the report of Comm. H. J. Morgan and was argued by Counsel and it appearing to the Court that said report had been filed in this Cause for more than ten days before the first day of this term and no exceptions having been filed thereto the same is approved and confirmed, And it further appearing from Comm. Morgan's report and the depositions of witnesses filed therewith that the interest of all parties will be promoted by a Sale of the entire tract of land in the bill mentioned at the price of \$300.00 and the same is therefore allotted to the Defendant Francis A. Muncy by his paying the sum of \$300.00 for the same with interest thereon according to their Contract and the Court hereby confirms said Sale and the Defendant Francis A. Muncy is hereby directed to pay the purchase price thereof to David Miller who is hereby appointed a receiver to receive and collect the same and when the same and the interest thereon is fully paid the said David Miller shall make acknowledge



and file in this Cause a good and  
Sufficient deed as Comr. To the Said  
purchaser with Covenants of Special  
Warranty But before proceeding under  
this Decree the Said receiver shall  
execute before the Clerk in this Cause  
a bond in the penalty of \$600.00  
for the faithful performance of his  
duties as receiver And he will re-  
port to Court and the Cause is Con-  
tinued

Co. L.  
H. 84. K.  
Aug 24/80

W. H. Stetson

Entered page 107

Sarah M. Stetson

Decree

Robert Robinson  
& wife



Boston Robinson & wife

Plffs.

against  
Sarah Mark and Francis H. Muncy Defs.

In Chy

This Cause Come on to be heard upon the Complainants bill and the answer of Sarah Mark the infant defendant filed at March rules by William H. Orr her Guardian ad litem and the answer of Francis H. Muncy the other defendant also filed at March rules and was argued by Counsel and it appearing to the Court that ~~this~~ Cause was matured ~~at~~ rules and Set for hearing and it further appearing to the Court that the land in the bill mentioned is liable to a partition Sale or allotment as the Court may think best to promote the interests of the parties. On Consideration of which the Court hereby directs Henry J. Morgan a Commissioner of this Court to enquire by legitimate evidence whether or not it would be to the interest of the parties to allot the entire tract to the Defendant Muncy by his paying to the other parties such sums of money as their interests therein may entitle them to receive or ~~whether or not partition~~ <sup>can be conveniently</sup> made and whether or not the interest of the parties will be promoted by a Sale of the entire tract or an allotment of a part and Sale of the residue and for this purpose he the Comr. is directed to ascertain the value of the tract. And he will report his action to the next term as well as any other matters deemed pertinent by him or required by any of the parties and the Cause is Continued.



Boston Robinson  
& wife

as. } Decree  
}

Sarah Mark &  
H. H. Muncy

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Entered Page 33  
R. H. Orr Jr. V. C.

Enter  
J. A. K.  
Apr. 3/79



Commissioners Office Jonesville N. H. Nov. 3rd 1879

Boston Robinson

Peff

vs

Sarah Mark & others

Diffs

In Chie

The deposition of Harrison Edels & James D. Morgan  
taken the 3rd day of Nov. 1879. at the time of taking  
an account in the above styled Cause

The said Edels being duly sworn says I live near  
to, and am well acquainted with the land which is  
the subject of this suit, I see no difficulty in the way  
of making a division thereof. The tract contains about  
100 acres and lies on both sides of the main road  
about 9 or 10 miles west of Jonesville the greater part  
of said land is rather thin and gravelly and much  
the greater part consists of two Hill sides standing  
up at an angle of from 25 to 45 degrees, I think  
\$2.50 cents per acre would be a fair cash price for  
the same, and if the defendant Macey will pay  
\$300.00 for the land, I have no hesitancy in saying  
according to my opinion, that the interest of the infant  
defendants will be promoted by a sale thereof.

And further this witness saith not.

H. C. Edels

The said James D. Morgan being likewise sworn & says

I like Mr Edels live near to, and am well acquainted  
with said land. And I have just heard and read the foregoing  
deposition of said Edels and I hereby adopt his statements  
as and for my own in each and every particular  
and further this witness saith not.

James D. Morgan



Virginia Lee County Trust

The foregoing deposition of Harrison Edds and  
James D. Morgan were taken before me sworn to and  
Subscribed by them the 3<sup>rd</sup> day of Nov. 1879.

Henry J. Morgan Comt.

Boston Robinson

vs. { Edds

James D. Morgan

B



Commissioners Office Ipswich V<sup>ts</sup> Nov. 3<sup>rd</sup> 1879.  
Boston Robinson

Against } In Chancery  
Sarah Mark & others } Defts

To the Hon John A. Kelly Judge of the Circuit  
Court of Lee County.

By a decree entered in this cause on the 3<sup>rd</sup> day  
of April 1879 I was directed to make sundry enquiries  
pertaining to the matter involved, and to report to you  
the result thereof.

After giving to the parties such notice as is shown  
by a paper herewith filed marked (A) I proceeded to  
make the required enquiries, and I desire to submit  
the following brief report as the result of said enquiries.

As a basis upon which to start, I took the deposition  
of Harrison Eddle and James D. Morgan and herewith  
file the same marked (B).

From this evidence, it appears that the land in  
question is easy of partition and can be divided  
without any difficulty what ever, and I am well  
acquainted with it and concur in what said two  
witnesses say about it in all respects.

I do not believe that it would be for the interests  
of any of the parties interested to have it so divided  
but upon the contrary I have no doubt the interests  
of all would be promoted by a sale of the entire  
tract and this view is supported by the judgment  
of said two witnesses who live near to, and are well  
acquainted with it, see their evidence (B).



The Poff Robinson has contracted his wife's interest in said land to the defendant Muncy at the rate of three hundred dollars for the whole, and the said Muncy is willing to take the whole at that price but is not willing to take one half at half that sum, and hence resort is had to agree to sell the infant undivided half thereof.

The land is mainly thin gravelly soil, and principally lies on two steep hill sides, and being thus situated is nearly worthless for cultivation.

All which is respectfully submitted

Henry J. Morgan Esq.



Boston Robinson

vs. { Com. Gleason

Sarah Marshall

Filed Nov 15th 1879

Just. Orr. Clerk.

Comino's fee is \$3.00



Boston Robinson & wife      Plffs  
vs.      } In Chancery.  
Sarah Mark & others      Defts

To the Hon John A. Kelly Judge of the Circuit  
Court of Lee County Va.

Before the institution of this suit, the Plff Boston Robinson contracted and sold his wife undivided half of the land in the bill mentioned to the deft. F. A. Munnay for the sum of \$150.00, of which the said Munnay at the time paid said Robinson \$50.00 and his wife being under age at the time, and incapable in law of making a valid deed of conveyance, this suit was brought to ratify and confirm that sale, and to obtain the sanction of Your Honor to the sale of the defendant Sarah Marks interest in said tract of land to said Francis A. Munnay at the like sum of \$150.00 making in the aggregate \$300.00 for the entire tract, and out of the proceeds of the sale, the costs of this suit have been paid amounting to \$33.16. and of this last sum Robinson and wife out of their half were to pay one half thereof, and Sarah Mark the other half, and thus dividing the costs, each would pay \$16.58

Mr Munnay having paid the Plffs at the time of his purchase \$50.00 and having paid his part of the costs of \$16.58. it left a balance due the Plffs of \$83.42 with interest thereon from May 1- 1880 till paid. And Mrs Robinson having attained the age of 21 years, and she and her husband having made and executed a deed of conveyance, conveying to said F. A. Munnay one undivided half of the tract of land in the bill and proceeding



mentioned, said Murrey on the 8th day of Sept 1882  
paid me \$96.06 which was the balance due the  
Peffs with accruing interest, and that sum I sent  
the Peffs by two Post Office Money orders. after deducting  
53 cents the cost of said two money orders and 3 cents postage

Sarah Marks share of the sale of said land was  
\$150.00 with interest from May 1-1880. and her part of  
said costs being \$16.58 which has been paid by said Murrey  
it therefore follows that said Murrey owes the debt Sarah  
Mark \$133.42 with interest from May 1-1880.

The debt Sarah Mark I am informed has recently  
waived, but to whom I am <sup>not</sup> informed, but she is  
still under 21 years of age.

Respectfully submitted

David Miller by

H. J. Morgan

Oct 1-1882



Boston Robinson & wife

vs { Comm. Report

Sarah Munk & others

Filed Nov. 28 1882

J. A. Hyatt  
Clerk



Boston Robinson & wife Peffer }  
vs. } In Lohy.  
Sarah Mark & al Defts

To the Hon John A. Kelly Judge of the Circuit  
Court of Lee County Va

Since this suit was instituted the deft Sarah  
Mark has intermarried with a man by the name of  
James L. Rawlings and the said Sarah having now  
arrived to 21 years of age, and she and her said  
husband having conveyed by deed dated ~~Feb. 26~~ 1884  
their moiety of the tract of land in the bill mentioned  
to Francis A. Murrey, and he having fully paid the  
purchase money, which has been sent to said Rawlings  
and wife at Manchester Kentucky, the object of  
the suit has been attained, the cause may be stricken  
from the docket.

Respectfully submitted.

David Miller Bow.

by H. J. Morgan

~~March 20 1884~~



Boston Robinson wife

20. } Cant. Report No. 3

Sarah Mark New Drawings

Filed March 21 1884.

J. A. Hyatt  
clerk



Koss Hill Va

Nov, the 1<sup>st</sup> 1879

Mr J. A. Muncy

Dear Sir as I am just getting over  
a severe spell of Hemorage & als afflicted otherwise  
I do not feel able to ride to Jonesville I would  
be very much gratified to do so but I fear  
that it might give me a ~~large~~ considerable  
injury. I would be <sup>very</sup> much gratified to have the  
business in regard to the sale of the Land  
fixed up I am in such feeble health.

There is plenty of men who are very well  
acquainted with the condition of the land &  
very well knows that I am doing no good as  
to the renting of the Farm for the benefit  
of the Heirs Mr B. M. Morgan or Judge Morgan  
either of them are acquainted with the condition  
of the Land, I often had to Advertise twice  
before I could get any Bids.  
I will send you the exact amount or the figures  
showing each years rents & that will show the  
Decrease <sup>& increase</sup> for the sale for each year.

Mar, the 1<sup>st</sup> /73 to Elizabeth Davis at \$35.50

Mar, the 1<sup>st</sup> /74 to G. W. McDonald at \$25.00

Mar, the 1<sup>st</sup> /75 to J. A. Muncy at \$32.50

Feby, the 1<sup>st</sup> /76 to Euell Harber at \$31.00

January the 1<sup>st</sup> /77 to G. W. McDonald at \$15.00

January the 2<sup>6</sup> /78 to Charles Burton at \$20.00

January the 1<sup>st</sup> /79 to J. A. Muncy at \$5.00



The Kents was wholly consumed in repairs for  
the first & second year after I became the  
guardian for the Heirs of Saml. Mark Deceased  
besides I have had to pay the Taxes on said  
Land & other expences which will have to  
be defraied There will be but a small sum  
left for each Heir after making a settlement  
with the commissioner I think it decidedly  
the best to get a decree from the Court  
& sell said land for the benefit of said  
Heirs. The difficulties under which I have had  
to act are too tedious to mention. if I am possibly  
able to go to Jones bill to Court I will do so  
I cannot turn out in rough weather you know  
but one thing I do know that if the land  
can be sold for any thing like its value  
the interest on the Money ~~from~~ would realize  
the Heirs more profit. than the share in which  
it stands, I think this statement will be  
satisfactory. I remain your friend faithfully  
S. C. Thompson



Know all men by these presents that we David  
Miller & Francis A. Munroe held and firmly  
bound unto the Commonwealth of Virginia, in  
the just and full sum of Six hundred dollars  
for the payment thereof well and truly to be  
made to the said Commonwealth we bind  
ourselves our heirs &c. jointly and severally  
firmly by these presents And we hereby waive  
the benefit of our homestead exemptions as to  
this debt. Witness our hands & seal Feb. 16<sup>th</sup> 1881.  
The condition of the above obligation is such  
that whereas in a certain Chancery cause now  
pending in the Circuit Court of Lee County Va.  
in which Boston Robinson & wife are plaintiffs  
and Sarah Mark & others are defendants, the  
above named David Miller has been appointed  
a Receiver in said cause, to collect the sum  
of \$3000 now if the said Miller shall well  
and truly account for and pay out the said  
sum of money according to the decrees and  
orders in said cause <sup>made</sup> by the Court, or that  
may be hereafter made from time to time.  
Then the above obligation to be void, otherwise  
to remain in full force & virtue.

David Miller Seal  
Francis A. Munroe Seal



Easton Robinson's wife  
vs Recorders Band  
Sarah Mark & others



Commissioners Office Jonesville Va Oct 20th 1879.  
Boston Robinson Peff

vs. } In Chy in Circuit.  
Sarah Mark & al Defts Cust Sec County

Pursuant to a decree entered in this cause on the  
3rd day of April 1879, I will proceed to my  
Office in Jonesville on the 3rd day of Nov. 1879  
to make the following enquiries:

- 1st Whether or not the land which is the subject of  
this Suit can be conveniently divided
- 2nd Whether or not it will be to the interest of  
any of the parties to have it so partitioned V
- 3rd Whether or not it will be to the interest of  
all parties concerned to sell the entire tract to  
the depts Muncy at the price agreed on

At the place & on the day aforesaid all per-  
sons interested will appear with such evidence  
as they may have to offer in the premises

Henry J. Morgan Comr



Boston Robinson

vs { Notice

Sarah Mark + al

On the 30th of Oct 1879

I sent a copy of the within  
by mail to F. A. Muncy at  
Beech Spring

Henry J. Morgan

(A)



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon *Sarah Clark and*  
*Francis A. Muncy*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*March*

next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*her* by *Boston Robinson and*  
*Letitia Robinson his wife the Said Letitia*  
*Robinson who also Sues by the Said Boston*  
*Robinson her husband and next friend she*  
*being under twenty one years of age and*  
*she also Sues by Sylvester E. Thompson her next friend*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *27th*  
day of *February* 1879; in the 103<sup>rd</sup> year of the Commonwealth.

*James W Orr.*

CLERK.



Boston Robinson  
& wife

vs. } Summons  
in Chy.

Sarah Clark et al.

Returnable to March  
Rules 1879.

20

18

18

18

10

15

25

50 R

1.50 Tax

36 Deeds.

36 D. Cont.

18

36 Or Cont.

36

36

\$ 5.16

.50

.36

.40

6.42

5.16

\$ 1.26

5.00

1.26

\$ 3.74